

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL ACTION NO.
 : 1:13-CR-45-1-JEC-JSA
 CANDIDO ORTUNO ALVEAR :
 :

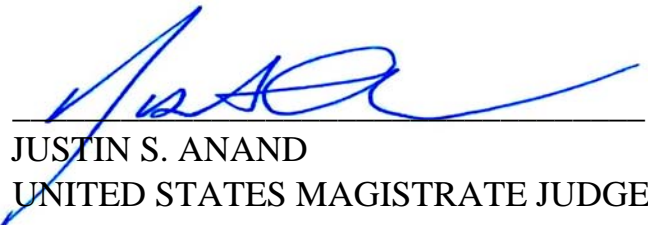
REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY¹

The defendant, CANDIDO ORTUNO ALVEAR, by consent, has appeared before the undersigned and has entered a plea of guilty to **COUNT ONE** of the indictment. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, the undersigned has determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. The undersigned also determined that the defendant has voluntarily and expressly waived the right to appeal her conviction and sentence and the right to collaterally attack her conviction and sentence in any post-conviction proceeding (including, but not limited to, motions filed pursuant to 28 U.S.C. § 2255) on any ground, except that the defendant may file a direct appeal of

¹ Failure to file written objections to this Report and Recommendation within FOURTEEN (14) days after service of a copy of this Report and Recommendation shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

an upward departure or a variance from the sentencing guideline range as calculated by the District Court, or if the Government initiates a direct appeal of the sentence imposed, the defendant may file a cross-appeal of that same sentence. The undersigned therefore **RECOMMENDS** that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

SO ORDERED this 26th day of November, 2013



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE